

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**DEBRA SPERO**, as Natural Mother of  
**V.S.**, an infant,

PLAINTIFFS,

-vs-

**DECLARATION OF WILLA PAYNE**  
**Civil Action No.: 3:17-CV-7 (GTS-DEP)**

**VESTAL CENTRAL SCHOOL DISTRICT  
BOARD OF EDUCATION, VESTAL CENTRAL SCHOOL  
DISTRICT, JEFFREY AHEARN**, Superintendent of Schools,  
**ALBERT A. PENNA**, Interim Principal Vestal  
High School, **DEBORAH CADDICK and CLIFFORD  
KASSON**, in their Individual and Official capacities.

DEFENDANTS.

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**WILLA S. PAYNE**, pursuant to 28 U.S.C. § 1746, declares the following under penalty of perjury:

1. I am an attorney at Legal Services of Central New York, Inc. (LSCNY), counsel for Plaintiffs Debra Spero and her child V.S. in this matter. As such, I am fully familiar with the facts and circumstances of this proceeding.
2. I make this declaration in support of Plaintiffs' motion for summary judgement. Attached to this declaration are documents referenced in plaintiffs' memorandum of law and other relevant documents. Any redactions to the attached documents were made to protect the privacy of minors pursuant to Local Rule 8.1.
3. Attached hereto as Exhibit A is a true and correct copy of the declaration of Plaintiff V.S. sworn to on May 3, 2017.
4. Exhibit B is a true and correct copy of the Snapchat video posted by V.S. which was originally filed with the Court at Docket Number 74 as Exhibit B to Payne Declaration and is incorporated by reference to the previous filing at Docket #74.

5. Attached hereto as Exhibit C is a true and correct copy of an email from School Resource Officer (SRO) Conor Talbut to the Defendants dated 12/8/2016 which was originally produced as VS000690. This email was then forwarded to Superintendent Ahearn by Deborah Caddick.
6. Attached hereto as Exhibit D is a true and correct copy of notes that were taken on December 8, 2016 by Defendant Caddick of a phone conversation between Principal Penna and Mr. Spero wherein V.S. was suspended at 12:44 p.m. on December 8, 2016. This was originally produced as VS000798.
7. Attached hereto as Exhibit E is a true and correct copy of an excerpt of the transcript of V. S's Superintendent Hearing including the full testimony of all witnesses. The Exhibits A-K and other miscellaneous arguments have been removed. This was originally produced as VS00002-000433.
8. Attached hereto as Exhibit F is a true and correct copy of the Vestal Police Department Incident Report of 12/8/2016 written by School Resource Officer Conor Talbut ("SRO Talbut) which was originally produced as VS000397-398 and VS000691-692.
9. Attached hereto as Exhibit G is a true and correct copy of notes taken by then Assistant Principal Deborah Caddick of a meeting between Deborah Caddick, Clifford Kasson and Albert Penna on 12/8/2016 at 3 p.m. during their "wrap up" meeting which was originally produced as VS000792.
10. Attached hereto as Exhibit H is a true and correct copy of the December 9, 2016 suspension letter from Defendant Penna to the Spero family which was originally produced as VS000688-689 and VS000730-731.

11. Attached as Exhibit I is a true and correct copy of notes taken by then Principal Penna on 12/9/2016, the day after he suspended V.S. outlining the District's "case" against V.S..
12. Attached hereto as Exhibit J is a true and correct copy of the Notice of Superintendent's Hearing dated 12/14/2016 mailed to the Spero family from Superintendent Ahearn. This was originally produced as VS000330-331 and VS000693-694.
13. Attached hereto as Exhibit K is a true and correct copy of the Contract which allowed Plaintiff to attend school while the Superintendent's hearing was pending between Plaintiff V.S. and Superintendent Ahearn dated January 4, 2017 which was originally produced as VS000587-588 and VS000697.
14. Attached hereto as Exhibit L is a true and correct copy of the Hearing Officer's Recommendations dated February 3, 2017 which was originally produced as VS001207-1211.
15. Attached hereto as Exhibit M is a true and correct copy of the Superintendent's Decision dated February 7, 2017 adopting in full the hearing officer's findings and recommendations. This was originally produced as VS001212.
16. Attached hereto as Exhibit N is a true and correct copy of photos of Caucasian Vestal High School students holding and displaying guns that were posted on Instagram and presented by the Spero family to the District as evidence in V.S.'s Superintendent hearing, originally produced as VS000425-433.
17. Attached hereto as Exhibit O are the questions posed by the district during their "investigation" to students in V.S.'s math class ("Questions"), originally produced as VS000869.

18. Attached hereto as Exhibit P are the complete set of answers produced by defendants and given by students in V.S.'s math class to the questions in Exhibit P. ("Investigation Results") These responses were originally produced by defendants. In addition, one student's response was not provided to plaintiffs and in its place are Ms. Caddick's notes from their conversation about his responses. (VS 905.)
19. Attached hereto as Exhibit Q is the sign in sheet for the Assistant Principals Office on November 22, 2016 wherein V.S. signed in approximately two minutes after the African American student, I.D., who was previously sent out of the classroom by Katherine Dyer. This was originally produced as VS000592.
20. Attached hereto as Exhibit R is Ms. Dyer's official account of the incident on November 22, 2016 as submitted to defendant Caddick and defendant Kasson on December 15, 2016, showing that she alleges she sent V.S. out of the classroom 10-15 minutes after the prior African American student, I.D.
21. Attached hereto as Exhibit S is the Declaration of student, Aja Holloway dated May 1, 2019.
22. Attached hereto as Exhibit T is a true and correct copy of the Declaration of Debra Spero sworn to on May 3, 2017.
23. Attached hereto as Exhibit U is a true and correct copy of the full Deposition of Superintendent Jeff Ahearn conducted on March 26, 2019.
24. Attached hereto as Exhibit V is a true and correct copy of the full Deposition of Principal Albert Penna conducted on February 8, 2019.
25. Attached hereto as Exhibit W is a true and correct copy of the full Deposition of then Assistant Principal Deborah Caddick conducted on February 11, 2019.

26. Attached hereto as Exhibit X is a true and correct copy of the full Deposition of then Assistant Principal Clifford Kasson conducted on March 21, 2019.
27. Attached hereto as Exhibit Y is a true and correct copy of the full Deposition of School Resource Officer Conor Talbut conducted on January 25, 2019.
28. Attached hereto as Exhibit Z is a true and correct copy of the full Deposition of M.D. conducted on March 22, 2019.
29. Attached hereto as Exhibit AA is a true and correct copy of a Grade Report of V.S. (“V.S. Report Card”) dated January 27, 2017, showing V.S. was on track to graduate originally produced as VS000600.
30. Attached hereto as Exhibit BB is a true and correct copy of the full Deposition of Katherine Dyer conducted on January 25, 2019.
31. Attached hereto as Exhibit CC is a true and correct copy of the postings V.S. made on Twitter from December 2<sup>nd</sup> through 5<sup>th</sup>, 2016. These were originally produced as VS000466-468 and VS000739-741.
32. Attached hereto as Exhibit DD is a true and correct copy of the postings V.S. made on Twitter on December 8, 2016. The last two tweets on the bottom of the page were tweets posted on the 2<sup>nd</sup> and 5<sup>th</sup> respectively and already produced in Ex. CC. Ex. DD was originally produced as VS000402.
33. Attached hereto as Exhibit EE is a true and correct copy of excerpted relevant portions of the Deposition of Brittany Spero conducted on March 6, 2019.
34. Attached hereto as Exhibit FF is a true and correct copy of excerpted relevant portions of the Deposition of Debra Spero conducted on March 6, 2019.

35. Attached hereto as Exhibit GG is a true and correct copy of the first Deposition of V.S. conducted on January 18, 2019.
36. Attached hereto as Exhibit HH is a true and correct copy of the continuation of the January 18, 2019 Deposition of V.S. conducted on March 21, 2019.
37. Attached hereto as Exhibit II is a true and correct copy of the Schedule and Minutes from the Dec. 8, 2016 Leadership Team Meeting, originally produced as VS001769 and VS001765-1768.
38. Attached hereto as Exhibit JJ is a true and correct copy of Defendants Interrogatory Responses (“Defs’ Interrog. Response”).
39. Attached hereto as Exhibit KK is a true and correct copy of Defendants Corrected Interrogatory Responses (Def’s Interrog Sup. Response”).
40. Attached hereto as Exhibit LL is a true and correct copy of Vestal High School’s record of lockdown drills held during the 2016-2017 school year originally produced as VS001770-1771.
41. Attached hereto as Exhibit MM is a true and correct copy of Vestal Central School District’s Code of Conduct for the 2016-2017 school year originally produced as VS000332-395 and as VS001094-1133.
42. Attached hereto as Exhibit NN are Emails Referenced in Defendant’s Interrogatory responses (“Community Emails”). All these emails were received after December 18, 2016. These were originally produced as VS000550, 554-56, 558-560, 949,952-53, 956-966, 970, 974-75, 979, 981, 983-84.

43. Attached hereto as Exhibit OO is a true and correct copy of a Press Statement sent by Ron Benjamin to Erin Hamm, a reporter from WICZ on December 18, 2016. This was originally produced as VS000986-987.
44. Attached hereto as Exhibit PP is a true and correct copy of a WICZ News story written by Erin Hamm, dated December 18, 2016 originally produced as VS001042.
45. Attached hereto as Exhibit QQ is a true and correct copy of an email from the District Clerk to the Vestal Board of Education members which notifies the recipients that V.S. has filed a lawsuit against the District and that a copy of the Complaint was forwarded to both Attorney Dewind and Hearing Officer Sherwood on December 22, 2016. Originally produced as VS001082.
46. Attached hereto as Exhibit RR is a true and correct copy of an email from the Assistant Superintendent of Vestal Schools to the “Independent” Hearing Officer Sherwood on December 18, 2016, of a Facebook posting related to V.S. with no copy to V.S.’s attorney.
47. Attached hereto as Exhibit SS is a true and correct copy of the Phone Message Chart and “while you were out” notes taken from each person listed on the chart, that shows the phone calls received by the School District regarding the V.S. matter all occurring after December 18, 2016. This log was originally produced as VS000938-940.
48. Attached hereto as Exhibit TT is a true and correct copy of a Summary of V.S.’s Academic Status as of January 18, 2017, originally produced as VS000568 and VS000601.
49. Attached hereto as Exhibit UU is a true and correct copy of a December 9, 2016 Pre-Suspension Letter signed by Dr. Penna, originally produced as VS000732-733.

50. Attached hereto as Exhibit VV is a true and correct copy of notes taken on December 1, 2016 that show a lockdown drill was scheduled for December 9, 2016 at lunchtime, originally produced as VS001213.
51. Attached hereto as Exhibit WW is a true and correct copy of notes taken showing that a lockdown drill occurred on December 14, 2016, originally produced as VS001214.
52. Attached hereto as Exhibit XX is a true and correct copy of an Affidavit submitted by Superintendent Jeffrey Ahearn, dated May 15, 2017.
53. Attached hereto as Exhibit YY are Hearing Officer Recommendations and Superintendent's Decisions of the Vestal Central School District originally produced as VS 001699-1702, 1705-1712,1733-1735,1739,1741-1743,1746,1748-1749.
54. Attached hereto as Exhibit ZZ are notes taken by Deborah Caddick of a meeting, she had with student A.H. on December 8, 2016, wherein she informed Mrs. Caddick that she had notified V.S. that two girls at school were discussing his postings and expressed concern for the way the District was treating V.S., originally produced as VS000795.
55. Attached hereto as Exhibit AAA is a phone note stating that Mr. Spero contacted the District at 12:27 p.m. on December 8, 2016, originally produced as VS000797.
56. Attached hereto as Exhibit BBB is the Original Summons and Complaint filed by Ron Benjamin under Index No: EFCA2016002914 in Broome County Supreme Court on December 21, 2016, originally produced as VS000746-758.
57. Attached hereto as Exhibit CCC is a Letter and Resolution Agreement between the Vestal Central School District and the United States Office of Education, New York Office for Civil Rights.



58. Attached hereto as Exhibit DDD is a true and correct copy of the Student Discipline Report related to V.S. originally produced as VS000407-413.
59. Attached hereto as Exhibit EEE are a true and correct copy of Deborah Caddick's notes recording the events related to V.S. taken on December 8, 2016, originally produced as VS000793.
60. Attached hereto as Exhibit FFF are a true and correct copy of Clifford Kasson's notes related to V.S. taken on December 8, 2016, originally produced as VS000829.
61. Attached hereto as Exhibit GGG is a true and correct copy of the Vestal Board of Education Decision upholding Supt. Ahearn's suspension of V.S. on March 18, 2017, originally produced as VS001561.
62. Attached hereto as Exhibit HHH is a true and correct copy of the Declaration of Kerstin McCoy, a student in V.S.'s senior class at Vestal High School.
63. Attached hereto as Exhibit III is a true and correct copy of notes taken of a conversation between Ms. Caddick and Ms. Dyer on November 28, 2016, originally produced as VS000809.
64. Attached hereto as Exhibit JJJ is a true and correct copy of the Request for Records made by Defendants' Counsel requesting V.S.'s education records from Binghamton High School.
65. Attached hereto as Exhibit KKK is a true and correct copy of the Affidavit of Deborah Caddick dated May 15, 2017.

Date: 6/17/19

Respectfully Submitted:

\_\_\_\_S/Willa S. Payne\_\_\_\_  
Willa S. Payne, Esq. (Bar No. 517751)  
Legal Services of Central New York, Inc.  
189 Main Street, Suite 301  
Oneonta, NY 13820  
Ph: 607-766-8118  
Fax: 607-386-4176  
Email: wpayne@lscny.org